



Patent
Attorney's Docket No. 017750-506

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Robert J. MARTIN) Group Art Unit: 2878
Application No.: 09/666,301) Examiner: Timothy J. MORAN
Filed: 21 September 2000)
For: TWO COLOR QUANTUM WELL)
FOCAL PLANE ARRAYS)

EXHIBIT A

Mail Stop APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted below are remarks and evidence constituting "Exhibit A" with respect to the above-identified application.

In compliance with 37 C.F.R. § 1.195, Applicant respectfully submits that the references cited below were uncovered after the filing of the Appeal Brief on 13 May 2003, and are being promptly cited and submitted to simplify and further resolution of the issues under appeal and satisfy Applicant's duty of disclosure under 37 C.F.R. § 1.56. The references are also being submitted with an Information Disclosure Statement.

Applicant respectfully requests entry of the Exhibit, on grounds that the references and remarks below are relevant to resolving the issues on appeal. The references were not earlier presented because they were uncovered after the filing of the Appeal Brief on 13 May 2003.

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The U.S. Patents cited below are being submitted with an Information Disclosure Statement on an even date herewith.


U.S. Patent No. 5,762,045 and U.S. Patent No. 4,997,280 directly support Applicant's assertion in the Appeal Brief because they disclose calculating a first derivative with respect to time of a cumulative photosensor output, to indicate an intensity of the light being detected or a rate of charge flow from the photosensor or photodetector. U.S. Patent No. 6,441,848; James H. Duncan and Tsai-Chia Chou, "*On the Detection of Motion and the Computation of Optical Flow*", March 1992, IEEE Transactions on Pattern Analysis and Machine Intelligence Vol 14, No. 3, pp. 346-352 also disclose monitoring a rate at which charge is collected by photosensors.

Applicant respectfully submits that: U.S. Patent No. 5,762,045; U.S. Patent No. 4,997,280; U.S. Patent No. 6,441,848; James H. Duncan and Tsai-Chia Chou, "*On the Detection of Motion and the Computation of Optical Flow*", March 1992, IEEE Transactions on Pattern Analysis and Machine Intelligence Vol 14, No. 3, pp. 346-352; and U.S. Patent No. 3,934,161; support Applicant's assertion in the Appeal Brief that methods for measuring an intensity of light detected or a charge flow rate from the photosensor, were known to those of ordinary skill in the art at the time of the present invention, and therefore the person of ordinary skill at the time of the present invention, would easily have applied such techniques or mechanisms to the disclosure of the present application to make and use the presently claimed invention.

In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: 03 July 2003